
	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  Assistance Amendment	GRANT NUMBER (FAIN): 98568704	DATE OF AWARD
		MODIFICATION NUMBER: 8	04/12/2012
		PROGRAM CODE: V	MAILING DATE
		TYPE OF ACTION Revision: Scope & Increase	04/19/2012
		PAYMENT METHOD: ASAP	ACH# 50282
RECIPIENT TYPE: State		Send Payment Request to: Las Vegas Finance Center	
RECIPIENT: Ohio Environmental Protection Agency 50 W. Town St., P.O. Box 1049 Columbus, OH 43216-1049 FIN: 31-1334820		PAYEE: Ohio Environmental Protection Agency 50 W. Town St., P.O. Box 1049 Columbus, OH 43216-1049	
PROJECT MANAGER Tiffani Kavalec 50 W. Town St., P.O. Box 1049 Columbus, OH 43216-1049 E-Mail: Tiffani.Kavalec@epa.state.oh.us Phone: 614-644-3538	EPA PROJECT OFFICER Gloria Willis 77 West Jackson Blvd. Chicago, IL 60604-3507 E-Mail: Willis.Gloria@epa.gov Phone: 312-886-7259	EPA GRANT SPECIALIST Donna Stingley Assistance Section, MC-10J E-Mail: Stingley.Donna@epa.gov Phone: 312-353-1677	
PROJECT TITLE AND EXPLANATION OF CHANGES Ohio Environmental Protection Agency-Management Assistance  Increase of Funds (Supplemental); Scope of Work (Minor); Time Extension (Amendment);  This amendment adds Supplemental funding in the amount of \$285,252 to the Ohio Environmental Protection Agency to support remedial activities occurring after the Site Assessment process has been completed. The budget and project periods are being extended through 03/31/2013.			
BUDGET PERIOD 04/01/2009 - 03/31/2013	PROJECT PERIOD 04/01/2009 - 03/31/2013	TOTAL BUDGET PERIOD COST \$1,030,714.00	TOTAL PROJECT PERIOD COST \$1,030,714.00

### NOTICE OF AWARD

Based on your application dated 02/13/2012, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$285,252. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$1,030,714. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.

ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS U.S. EPA Region 5 Mail Code MCG10J 77 West Jackson Blvd. Chicago, IL 60604-3507		ORGANIZATION / ADDRESS U.S. EPA, Region 5 Superfund Division 77 West Jackson Blvd., S-6J Chicago, IL 60604-3507	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official Cyndy Colantoni - Associate Director for Resources Management			DATE 04/12/2012
AFFIRMATION OF AWARD			
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION			
SIGNATURE 	TYPED NAME AND TITLE Scott J. Nally, Director		DATE 4/24/12

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 745,462	\$ 285,252	\$ 1,030,714
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 745,462	\$ 285,252	\$ 1,030,714

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.802 - Superfund State Political Subdivision and Indian Tribe Site Specific Cooperative Agreements	CERCLA: Sec. 104(d)(1)	40 CFR PTS 31 & 35 SUBPT O

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
OEPA-MA	125ASRX007	12	T	5AF5P	303DD2	4185	05WQMA00	C001	285,252
									285,252

Budget Summary Page: Ohio EPA Management Assistance CA

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$630,188
2. Fringe Benefits	\$207,807
3. Travel	\$17,500
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$3,764
7. Construction	\$0
8. Other	\$31,108
9. Total Direct Charges	\$890,367
10. Indirect Costs: % Base SEE TABLE B	\$140,347
11. Total (Share: Recipient % Federal 100.00 %.)	\$1,030,714
12. Total Approved Assistance Amount	\$1,030,714
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$285,252
15. Total EPA Amount Awarded To Date	\$1,030,714

## Approved Indirect Cost Rates

Table B - Program Element Classification (Non-construction)	Total Approved Allowable Budget Period Cost
1. 17.64% Salary & Fringe--Valid 7/1/08-6/30/09	\$
2. 15.67% Salary & Fringe--Valid 7/1/09-6/30/10	\$
3. 15.67% Salary & Fringe--Valid 7/1/10-6/30/11	\$
4. 16.77% Salary & Fringe--Valid 7/1/11-6/30/12	\$
5. 16.89% Salary & Fringe--Valid 7/1/12-6/30/13	\$
6.	\$
7.	\$
8.	\$
9.	\$
10.	\$
11. Total (Share: Recip % Fed 100.00 %)	\$
12. Total Approved Assistance Amount	\$1,030,714

## **Administrative Conditions**

The following administrative terms and conditions have been updated:

### **1. CONSULTANT CAP**

Payment to consultants. EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. As of January 1, 2012, the limit is \$596.00 per day and \$74.50 per hour. This rate does not include transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel reimbursement practices).

Subagreements with firms for services which are awarded using the procurement requirements in 40 CFR 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR 31.36(j) or 30.27(b).

### **3. DRUG-FREE WORKPLACE CERTIFICATION FOR ALL EPA RECIPIENTS**

The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 2 CFR Part 1536 Subpart B. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 2 CFR Part 1536 Subpart C.

The consequences for violating this condition are detailed under Title 2 CFR Part 1536 Subpart E. Recipients can access the Code of Federal Regulations (CFR) Title 2 Part 1536 at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=701081165f70316effa8ebf67df73de0&rgn=div5&view=text&node=2:1.2.11.11.2&idno=2>.

### **18. UNLIQUIDATED OBLIGATIONS - INTERIM FFR - PART 31 RECIPIENTS**

#### **Submission of interim Federal Financial Reports**

Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit an annual Federal Financial Report (SF-425) to EPA no later than 90 calendar days following the end of the reporting quarter.

The following reporting period end dates shall be used for interim reports: 3/31.

At the end of the project, the recipient must submit a final Federal Financial Report to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/finservices/forms.htm>.

All FFRs must be submitted to the Las Vegas Finance Center: US EPA, Las Vegas Finance Center  
4220 S. Maryland Pkwy, Bld C, Rm 503  
Las Vegas, NV 89119

or by Fax to: 702-798-2423.

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 31.43 if the recipient does not comply with this term and condition.

#### **19. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

##### **STATES WITH ESTABLISHED GOALS - PROJECT GRANTS [NON-PART 35, SUBPART A]**

###### **GENERAL COMPLIANCE, 40 CFR, Part 33**

The recipient agrees to comply with the requirements of EPA's Program for Utilization of Minority and Women's Business Enterprises (MBE/WBE) in procurement under assistance agreements, contained in 40 CFR, Part 33.

###### **FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D**

A recipient must negotiate with the appropriate EPA award official, or his/her designee, Fair share objectives for MBE and WBE participation in procurement under the financial assistance agreement.

###### **Current Fair Share Objective/Goal**

The dollar amount of this assistance agreement is \$250,000, or more; or the total dollar amount of all of the recipient's non-TAG assistance agreements from EPA in the current fiscal year is \$250,000, or more. The Ohio Environmental Protection Agency has negotiated the following, applicable MBE/WBE fair share objectives/goals with EPA as follows:

MBE		WBE	
Construction	2.0%	Construction	1.3%
Supplies	0.6%	Supplies	0.5%
Services	0.6%	Services	0.5%
Equipment	0.6%	Equipment	0.5%

###### **Negotiating Fair Share Objectives/Goals, 40 CFR, Section 33.404**

If the recipient has not yet negotiated its MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

###### **SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C**

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to ensure that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

(a) Ensure Disadvantaged Business Enterprises (DBEs) are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State, and local government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.

(b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.

(c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

(d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

(e) Use the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce in finding DBEs.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

**MBE/WBE REPORTING, 40 CFR, Part 33, Sections 33.502 and 33.503**

The recipient agrees to complete and submit EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year reporting period the recipient receives the award, and continuing until the project is completed. **Only procurements with certified MBE/WBEs are counted toward a recipient's MBE/WBE accomplishments.** The reports must be submitted **semiannually** for the periods ending March 31<sup>st</sup> and September 30<sup>th</sup> for:

Recipients of financial assistance agreements that capitalize revolving loan programs (CWSRF, DWSRF, Brownfields); and

All other recipients not identified as annual reporters (40 CFR Part 30 and 40 CFR Part 35, Subpart A and Subpart B recipients are annual reporters).

**The reports are due within 30 days of the end of the semiannual reporting periods (April 30<sup>th</sup> and October 30<sup>th</sup>). Reports should be sent to**

**Adrianne M. Callahan, Region 5 MBE/WBE Coordinator  
USEPA, Acquisition and Assistance Branch  
77 West Jackson Boulevard (MC-10J)  
Chicago, IL 60604**

**Final MBE/WBE reports must be submitted within 90 days after the project period of the grant ends. Your grant cannot be officially closed without all MBE/WBE reports.**

EPA Form 5700-52A may be obtained from the EPA Office of Small Business Program's Home Page on the Internet at [www.epa.gov/osbp](http://www.epa.gov/osbp).

**CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302**

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

**BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)**

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

All Other Administrative Conditions Remain the Same

**Programmatic Conditions**

All Programmatic Conditions Remain the Same

Glynis Landers	Hi Donna, I thought we were going to send...	04/25/2012 12:45:10 PM
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From: Glynis Landers/R5/USEPA/US  
To: Donna Stingley/R5/USEPA/US@EPA  
Cc: DENISE BOONE/R5/USEPA/US@EPA, Alicia Ward/R5/USEPA/US@EPA  
Date: 04/25/2012 12:45 PM  
Subject: Re: Status of OEPA MA award document

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Hi Donna,  
I thought we were going to send Ohio's award documents by next day mail since they have to stop work until they actually get their awards signed and returned to the region. Can you PDF a copy to Vickie Stevens-Pease. She's the one who gets the awards and walks them to the person who signs. Let me know.

Thanks, G.G.

Glynis G. Landers  
Ohio Project Officer / TAG Project Officer  
U.S. EPA Region 5  
Remedial Response Section #4  
77 W. Jackson Blvd. (SR-6J)  
Chicago, IL 60604  
Phone (312) 886-1816 Fax (312) 692-2094  
Landers.Glynis@epa.gov

Donna Stingley	Based on my file the award was mailed o...	04/25/2012 10:48:52 AM
Glynis Landers	Hi Donna & Alicia: Can you please give...	04/25/2012 08:27:09 AM